

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN BEARINGS AND  
PACKAGING THEREOF**

**Inv. No. 337-TA-469**

**NOTICE OF GRANTING OF MOTION FOR SUMMARY DETERMINATION**

**AGENCY:** U.S. International Trade Commission

**ACTION:** Notice

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to grant a motion for summary determination terminating the above-captioned investigation as to the “unfair pecuniary benefits” claim.

**FOR FURTHER INFORMATION CONTACT:** Peter L. Sultan, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3094.

**SUPPLEMENTAL INFORMATION:** The Commission instituted this investigation on April 9, 2002, on the basis of a complaint filed by SKF USA Inc. (“SKF”). 67 *Fed. Reg.* 18632 (April 16, 2002). The complaint alleged that certain respondents had violated section 337 of the Tariff Act of 1930 by the unlawful importation into the United States, sale for importation, and/or sale within the United States after importation of certain bearings and packaging thereof by reason of: (1) infringement of U.S. Trademark Registration Nos. 502,839, 502,840, 1,944,843, and 2,053,722; (2) infringement of common law trademarks; (3) dilution of registered and common law trademarks; (4) false representation of source; (5) false advertising; (6) passing off; and (7) unfair pecuniary benefits.

On May 16, 2002, the Commission investigative attorney (“IA”) filed a motion for summary determination as to the “unfair pecuniary benefits” claim, arguing that the claim is not cognizable under section 337 of the Tariff Act of 1930 because it does not allege an unfair method of competition or an unfair act. Certain respondents supported the IA’s motion. Complainant SKF filed an opposition to the motion. On June 14, 2002, in Order No. 11, the presiding administrative law judge (“ALJ”) denied the IA’s motion for summary determination.

On June 21, 2002, the IA filed a motion with the ALJ for leave to seek interlocutory review of Order No. 11 by the Commission. Respondents Bearings Limited and McGuire Bearing Company

filed similar motions. On July 10, 2002, in Order No. 16, the ALJ granted these motions for leave to seek interlocutory review, pursuant to Commission rule 210.24(b)(1). 19 C.F.R. § 210.24(b)(1). On July 18, 2002, the IA filed an application for interlocutory review, and on July 22, 2002, Bearings Limited and McGuire Bearing Company did the same. The Commission determined to permit these applications for interlocutory review.

Having examined the ALJ's Order No. 11, the IA's motion for partial summary determination and application for interlocutory review, and SKF's responses thereto, the Commission granted summary determination with respect to the unfair pecuniary benefits claim.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) and section 210.24 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.24).

Copies of the Commission's order, and all other nonconfidential documents filed in connection with this investigation, are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

By order of the Commission

Marilyn R. Abbott  
Secretary to the Commission

Issued: September 23, 2002